

# Staff Summary Report



To: Mayor and City Council  
Through: City Manager

Agenda Item Number 36  
Meeting Date: 10/18/01

**SUBJECT:** JOSEPH ENTERPRISES #SIP-2001.63

**PREPARED BY:** Sherri Lesser, Planner II (480-350-8331)  
Hector Tapia, Senior Planner (480-350-8331)

**REVIEWED BY:** Dave Fackler, Development Services Manager (480-350-8333)

**BRIEF:** This is the second public hearing for Joseph Enterprises for a site plan with a variance and a use permit to allow shared parking by demand at 130 East University Drive.

**COMMENTS:** **PLANNED DEVELOPMENT (0406)** Hold the second public hearing for **JOSEPH ENTERPRISES** (Sid Joseph, property owner) for a variance for a shared parking model for a building with a gross floor area less than 100,000 and a use permit for parking by demand based on a shared parking model located at 130 East University Drive. The following approvals are requested from the City of Tempe:

**#SIP-2001.63** A site plan for 32,160 s.f. retail building area on 2.65 acres in the CCD Zoning District. The following is included in the request:

Variance:

Allow parking by shared parking model for gross floor area less than 100,000 s.f.

Use Permit:

Allow parking by shared parking model.

Document Name: 20011018devsrh05 Supporting Documents: Yes

**SUMMARY:** Joseph Enterprises is requesting a variance to allow parking by demand for businesses with less than 100,000 gross floor area. In addition to the variance, a use permit has also been requested to allow Parking by Demand based on a shared parking model for the tenants of the Oxford Shops, The Arches, The New Age Bookstore, Hogi Yogi and Mama's Pizzeria. The businesses located on Joseph Enterprises property are required by Zoning Ordinance 808 to provide 282 parking spaces. The number of parking spaces available on the combined sites is 169. Based on a shared parking model for the existing businesses and future restaurant uses, the minimum peak demand for parking is 161 spaces. Parking by demand requests have traditionally been supported within downtown urban areas where the demand for parking is decreased due to increased pedestrian traffic. Staff supports the requested variance and use permit based on the actual number of parking spaces exceeding the minimum peak demand identified in the shared parking model.

**RECOMMENDATION:** Staff - Approval, with conditions  
Public – No Comment to date

- ATTACHMENTS:**
1. List of Attachments
  - 2-3 History & Facts / Description / Comments
  4. Recommendation / Reasons for Approval / Conditions of Approval
- 
- A. Location Map
  - B. Site Plan
  - C. Letter of Explanation/Intent
  - D. Parking Study- 8/2001

**HISTORY & FACTS:**

<u>June 16, 1969.</u>	The Board of Adjustment for Use Permit to construct a building for retail sales and service at 120-122 E. University Dr.
<u>July 15, 1969.</u>	Design Review Board approved building elevations and site plan for the University Arches.
<u>August 25, 1976.</u>	The Board of Adjustment granted a parking variance from 88 to 60 spaces and a use permit for a restaurant expansion of The Warehouse for a patio addition, subject to conditions.
<u>November 23, 1977.</u>	The Board of Adjustment granted a parking variance from 101 to 60 spaces, subject to conditions.
<u>June 27, 1979.</u>	The Board of Adjustment approved a use permit for a sandwich shop located within the Oxford Shops and a parking variance from 59 spaces to 44 spaces.
<u>October 11, 2001.</u>	The Council held the first public hearing for a variance and parking by demand request for Joseph Enterprises, Inc.

**DESCRIPTION:**

Owner – Joseph Enterprises, Inc.  
Applicant – Sid Joseph  
Existing zoning – CCD, Central Commercial District  
Total site area – 2.65 acres  
Total bldg. area – 32,160 s.f.  
Parking minimum required by Shared Parking Model- 161 spaces  
Total Parking provided – 169 spaces

Variance:

Allow parking by shared parking model for gross floor area less than 100,000 s.f.

Use Permit:

Allow parking by shared parking model.

**COMMENTS:**

Joseph Enterprises is requesting a variance to allow parking by demand for businesses with less than 100,000 gross floor area and a use permit to allow Parking by Demand based on a shared parking model. The shared parking model would cover the required parking for the tenants of the Oxford Shops, The Arches, The New Age Bookstore, Hogi Yogi and Mama's Pizzeria. The total building area for all the tenant spaces is 32,160 s.f. These tenants are all located on property owned by Joseph Enterprises, Inc.

Per Zoning Ordinance 808, buildings with a minimum area 100,000 s.f. gross floor area may request a use permit to allow parking by demand. A variance must be granted to allow a shared parking model to be utilized for building area with only 32,160 s.f. In the past the Council has supported variances to allow use permits for parking by demand for shopping centers with less than 100,00 s.f. gross floor area. The previous requests were supported in shopping centers because the mix of businesses allowed flexibility in the actual parking demand. Some businesses have a greater parking demand during the day time, such as retail and office, while other businesses have a greater night time parking demand, i.e. restaurants. The mix of uses located on Joseph Enterprises, Inc. properties are consistent with uses found in shopping centers.

The current businesses on the Joseph Enterprises, Inc. properties are primarily retail with some office and restaurant uses. The applicant is seeking future restaurant uses for the properties. The proposed parking analysis takes into account the current business mix plus an additional 5,117 s.f. of restaurant occupancy. According to Ordinance 808, the required parking for the current businesses (including future restaurants) is 282 spaces. Based on a shared parking model for the existing businesses and future restaurant uses, the minimum peak demand for parking is 161 spaces. There are 169 spaces currently available on the Joseph Enterprises properties.

As noted in the history, the Arches and the Oxford shops have been approved for parking variances in the past without apparent adverse effect to the surrounding area. A shared parking model forecasts when the greatest demand for parking will occur and determines the maximum number of parking spaces required to meet the demand. This method of calculating parking requirements is more concise than parking requirements based on ordinance minimums. Therefore, it appears parking by demand would be more effective than individual parking variances for the properties.

Staff supports the variance and use permit and concurs with the parking study. Parking by demand requests have traditionally been supported within downtown urban areas where the demand for parking is decreased due to increased pedestrian traffic. We believe the proposal should not significantly increase traffic, cause a nuisance, contribute to the deterioration of the neighborhood, downgrade surrounding property values, or cause disruptive behavior. The variance to allow parking by demand for a building with less than 100,000 s.f. gross floor area is appropriate for the mix of business located on Joseph Enterprise, Inc. properties. We believe the parking by demand model is sufficient to accommodate the parking needs of the current and future tenants of the Oxford Shops, Arches, New Age Bookstore, Mama's Pizzeria and Hogi Yogi's.

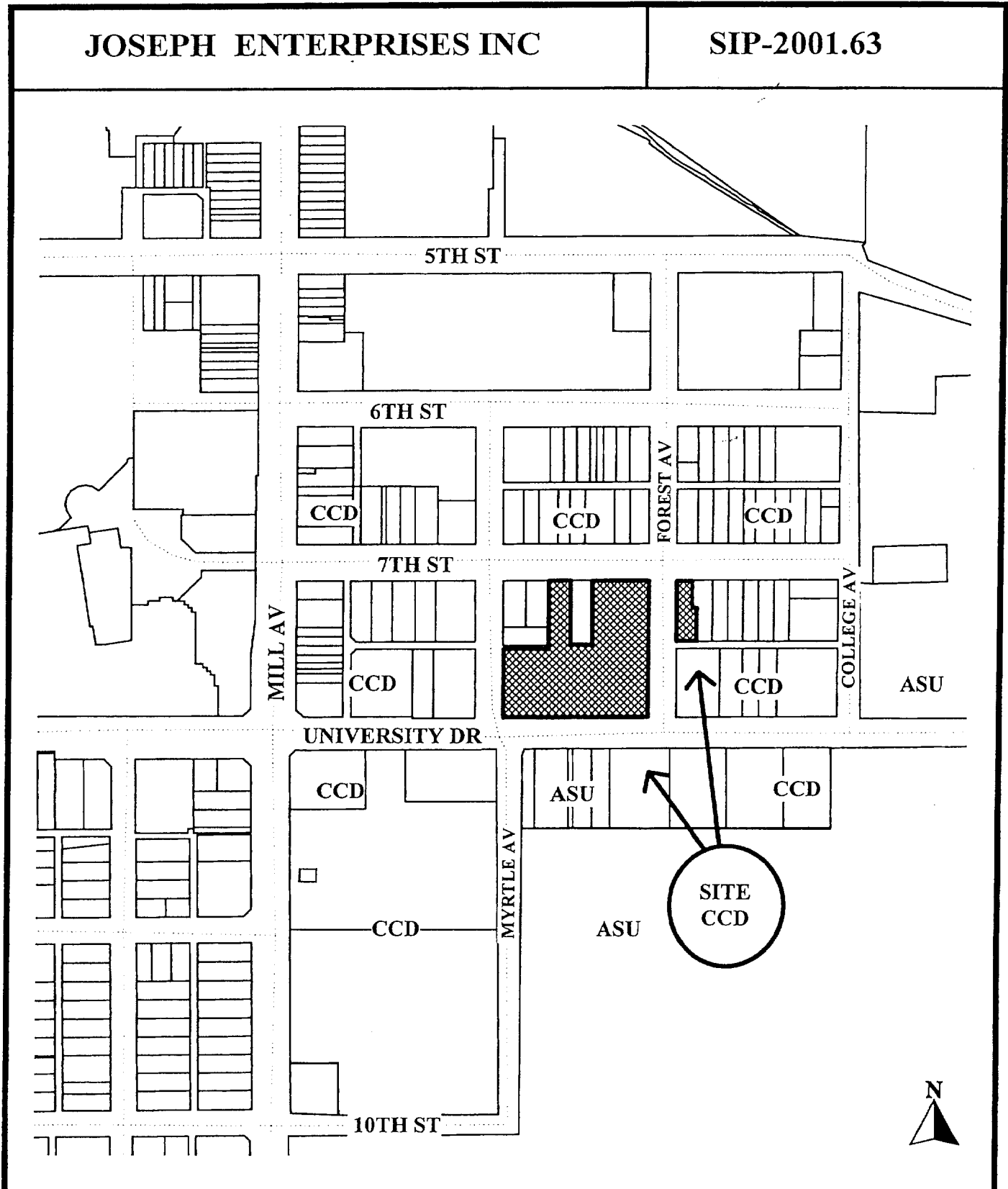
**REASON(S) FOR  
APPROVAL:**

1. The variance and use permit appear to pass the required ordinance tests and should have no detrimental impact on persons residing or working in the vicinity, to adjacent property, the neighborhood, or to the public welfare in general.
2. The parking by demand study appears to be compatible with existing surrounding uses.

**RECOMMENDATION:** Staff - Approval, with conditions  
Public – No Comment to date

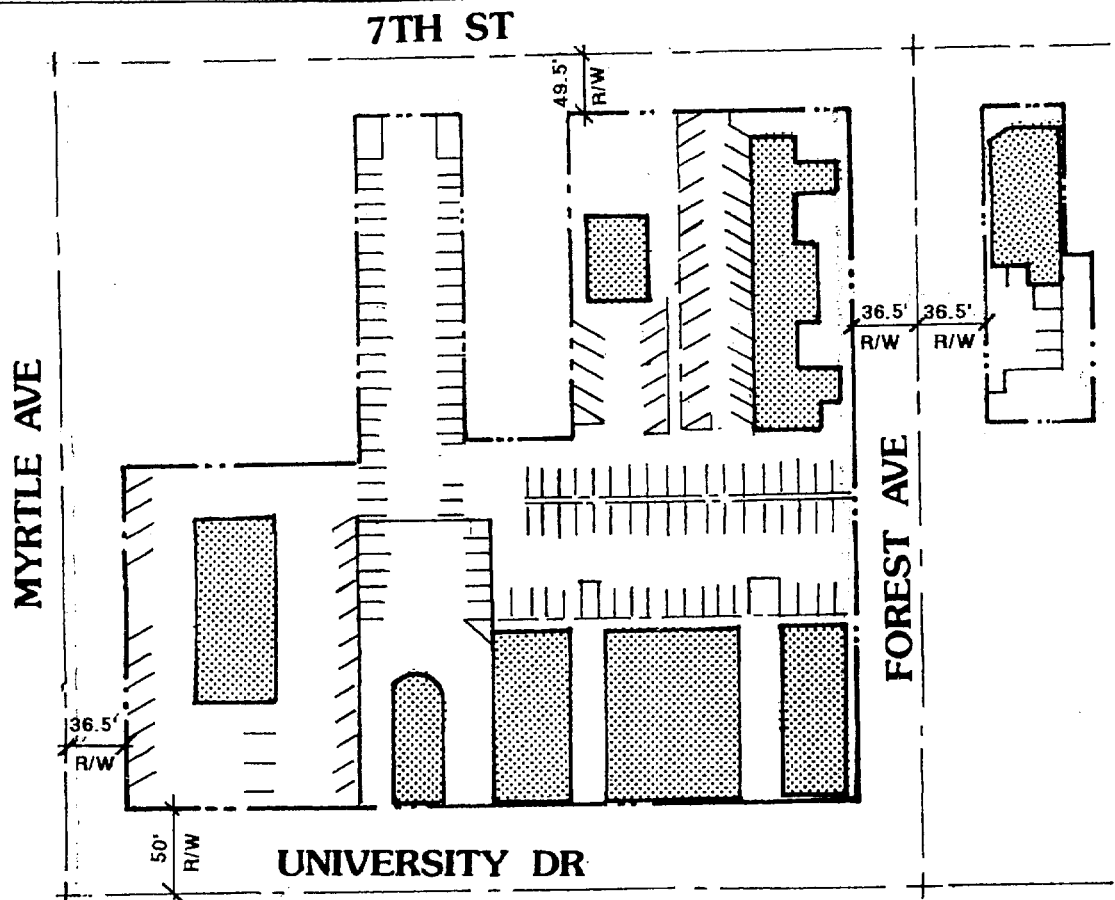
**CONDITION(S)  
OF APPROVAL:**

1. Any intensification or expansion of uses not already identified within the shared parking model shall require the applicant to return to the Council for further review.
2. Any significant verifiable police complaints (as determined by the City Attorney and Police Dept.) shall required the applicant to return to the City Council for re-evaluation of the use permit.

**JOSEPH ENTERPRISES INC**
**SIP-2001.63**

**Location Map    SEE OTHER SIDE FOR MORE INFORMATION**

JOSEPH ENTERPRISES INC

SIP-2001.63



**SYMBOL(S):**



EXISTING BUILDING(S)

**SITE DATA:**

NET SITE AREA:	2.65 AC
EXISTING BUILDING AREA:	32,160 s.f.
PARKING REQUIRED	282
PARKING PROVIDED:	PARKING BY DEMAND



# Joseph Enterprises, Inc.

Oxford Square, 707 South Forest Avenue, Ste. D, Tempe, Arizona 85281 • (480) 921-2566 FAX (480) 966-4664

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August 15, 2001

Tempe City Council  
31 E. 5<sup>th</sup> Street  
Tempe, Arizona 85281

Attn: Planning Department

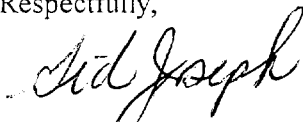
Mr. Mayor and  
Council Members,

We are requesting a use permit to allow a shared parking by demand model for the Oxford Square Shops, Arches Shopping Plaza, Hogi Yogi Restaurant, Mama's Pizzeria, The Bookstore and the Arches North parking lot (111 East 7<sup>th</sup> Street). We are also requesting a variance to allow parking by demand for our combined building square footage less than 100,000 s.f. We have a total of 32,160 s.f. of combined building area. By Zoning Ordinance 808 standards, we would be required to provide 293 parking spaces. The shared parking model requires a minimum of 169 spaces and recommends 169 spaces to accommodate the demand created by existing businesses and future restaurant uses. We have 169 spaces collectively available on the Joseph Enterprises, Inc. properties.

A shared parking model more accurately demonstrates the current need for parking. The existing mix of businesses is office, retail and restaurant. We are located in a dense urban area that is frequented by a large percentage of pedestrians versus vehicular traffic. The proposed use permit and variance will not create a nuisance for the surrounding area and will not modify the volume and character of vehicular traffic in the area.

We believe the requested use permit and variance will provide the flexibility to lease our available tenant spaces and is consistent with existing parking models used within downtown Tempe.

Respectfully,



Sid Joseph  
Joseph Enterprises, Inc.



	A	B	C	D	E	F	G	H	I	J	K
1	TEMPE STANDARD SHARED PARKING MODEL										
2	PROJECT =		SID JOSEPH MIXED-USE		BASE + ONE 1800sf. RESTAURANT						
3	ADDRESS =		University and Forest								
4	DATE =		August 2001								
5	STAFF =		DF								
6	HAVE THE PERCENTAGES IN TABLE I BEEN MODIFIED? (Y/N):					Y					
7	IF SO, DESCRIBE ASSUMPTIONS BELOW =										
8	RESTAURANT 25% CAPTIVE 10%TRANS 10%TRIP										
9	OFFICE 5% CAPTIVE 10%TRANS 10%TRIP										
10	RETAIL 25% CAPTIVE 10% TRANS 10%TRIP										
11	HOTEL 30% TRANS										
12	QUANTITY	LAND USES					TRIP	CAPT		TRNS	SURP
13	732	OFFICE - general (sf of building)					10		5	10	0
14	244	OFFICE (RESERVED)					0		0	0	0
15	15263	RESTAURANT - indoor (sf of bldg)					10		25	10	0
16	596	RESTAURANT RESERVED					0		0	0	0
17	1586	" - outdoor (# patio sf)					10		25	10	0
18	0	" - or: (# patios seats) or: (# patio seats)					0		0	0	0
19	14623	RETAIL - indoor (sf of building)					10		25	10	0
20	2089	RETAIL RESERVED					0		0	0	0
21		" - outdoor (sf of area)					0		0	0	0
22	293	TOTAL PARKING REQUIRED BY ORDINANCE									
23	169	MINIMUM PARKING DEMAND PREDICTED BY MODEL				NIGHTTIME PEAK					
24		178	TO	186	= RECOMMENDED RANGE FOR PARKING PROVIDED						
25	169	PARKING PROVIDED BY ASSOCIATION									
26	0	EXTRA DAYTIME PARKING									
27	8	EXTRA NIGHTTIME PARKING									
28	15	BIKE PARKING REQUIRED BY ORDINANCE									
29											
30											
31											
32											
33	OWER/USE	SQ.FT.	ORD.REQ. PARKING	TIME SHARE PERCENT	NON-ASS PARKING PRVDED	TIME SHARE SPACES	% OF TOTAL PARKING	RESERVED PARKING REQUIRED	SHARED PARKING MINIMUM	SHARED PARKING RECMDED	
34	OXFORD SQUARE										
35	RESTAURANT	4384	4219	56	0	0	0	0	30	32	
36	Cannery Row	1067									
37	Binders space	3317									
38	REST. RESERVED		165	2	0	0	0	2.20		1	
39	PATIO	438	0	3	0	0	0		2	2	
40	RETAIL	8412	7361	27	0	0	0		15	16	
41	RETAIL RESERVED		1052	4	0	0	0	3.88		2	
42	OFFICE (RESERVED)		119	0	0	0	0	0.48		0	
43	OFFICE	476	357	1	0	0	0		1	1	
44	SUBTOTAL		13272	94		0	0	6.55	47	54	
45											
46											
47	THE ARCHES										
48	RESTAURANT	7200	6929	92	0	0	0	0	50	53	
49	Rest. Mexico	2000									
50	Jltters	3400									
51	SubWay	1800									
52	REST. RESERVED		271	4	0	0	0	3.61		2	
53	PATIO	720	0	5	0	0	0		3	3	
54	RETAIL	7100	6213	23	0	0	0		12	13	
55	RETAIL RESERVED		888	3	0	0	0	3.27		2	
56	OFFICE (RESERVED)		125	1	0	0	0	0.50		0	
57	OFFICE	500	375	2	0	0	0		1	1	
58	SUBTOTAL		13413	124		0	0	7.38	65	71	
59											
60	MAMA'S - HOGI YOGI - 7th St. BOOKSTORE										
61	RESTAURANT	4275	4114	55	0	0	0	0	30	31	
62	Mama's Pizza	2800									
63	Hogi Yogi	1475									
64	REST. RESERVED		161	2	0	0	0	2.14		1	
65	PATIO	428	0	3	0	0	0		2	2	
66	RETAIL	1200	1050	4	0	0	0		2	2	
67	RETAIL RESERVED		150	1	0	0	0	0.55		0	
68	OFFICE (RESERVED)		0	0	0	0	0	0.00		0	
69	OFFICE	0	0	0	0	0	0		0	0	
70	SUBTOTAL		5475	64		0	0	2.70	33	37	
71											
72	GRAND TOTALS		32160	282	0	0	0	1	17	153	161
73											
74											
75	TOTAL PARKING PROVIDED BY ASSOCIATION				(EXISTING ON-SITE PARKING TO REMAIN)				MINIMUM	RECMD.	
76									169	169	
77					NEW DEVELOPMENT PARKING REQ.				0	9	
78	PARKING SUPPLY				DAYTIME PARKING REQUIRED				169	178	
79	MAMA'S LOT				NIGHTTIME PARKING REQUIRED				161	169	
80	ARCHES LOT				NEW DAYTIME PARKING (PROVIDED ON-SITE)				0	0	
81	OXFORD SQUARE LOT				DAYTIME PARKING PROPOSED (OFF-SITE)				0	0	
82	HOGI YOGI LOT				NEW NIGHTTIME PARKING (ON-SITE)				0	0	
83	TOTALS				NIGHTTIME PARKING PROPOSED (OFF-SITE)				0	0	
84					EXCESS(SHORTAGE) DAYTIME PRKG. PROVIDED				0	-9	
85					EXCESS NIGHTTIME PRKG. PROVIDED				8	0	
86											
87					RESERVED ON-SITE COMMERCIAL PARKING REQUIRED				17	17	
88					TOTAL PUBLIC ON-SITE PARKING REQUIRED				153	161	

	A	B	C	D	E	F	G	H	I	J	K
89											
90	PERCENT OF PEAK PARKING NEEDED BY HOUR OF DAY										
91	USE	7am	8am	9am	10am	11am	noon	1pm	2pm	3pm	4pm
92											
93	OFFICE RES	100	100	100	100	100	100	100	100	100	100
94	OFFICE SH	25	80	100	100	100	100	100	100	100	85
95	RESTAURANT	10	20	25	30	75	100	100	75	35	40
96	REST. RES.	100	100	100	100	100	100	100	100	100	100
97	RETAIL	5	20	30	40	50	75	100	100	100	95
98	RETAIL RES.	100	100	100	100	100	100	100	100	100	100
99											
100	USE	5pm	6pm	7pm	8pm	9pm	10pm	11pm	mdnt	1am	
101	OFFICE RES	100	100	100	50	30	5	5	2	2	
102	OFFICE SH	40	25	15	10	5	5	2	2	0	
103	RESTAURANT	85	100	100	100	100	75	60	50	35	
104	REST. RES.	100	100	100	100	100	100	100	100	100	
105	RETAIL	85	80	70	50	45	25	10	5	2	
106	RETAIL RES.	100	100	100	100	100	100	100	100	100	
107											
108	TEMPE SHARED PARKING MODEL MOD										
109	PROJECT =	SID JOSEPH MIXED-USE									
110	ADDRESS =	University and Forest									
111	DATE =	August 2001									
112	STAFF =	DF									
113	PARKING DEMAND PER HOUR					(DOES NOT INCLUDE 5 - 10% MARGIN)					
114											
115	USE	7am	8am	9am	10am	11am	noon	1pm	2pm	3pm	4pm
116	OFFICE RES	1	1	1	1	1	1	1	1	1	1
117	OFFICE/SH	1	2	2	2	2	2	2	2	2	2
118	RESTAURANT	12	24	29	35	88	118	118	88	41	47
119	REST. RES.	8	8	8	8	8	8	8	8	8	8
120	RETAIL	2	6	10	13	16	24	32	32	32	31
121	RETAIL RES.	8	8	8	8	8	8	8	8	8	8
122	TOTAL:	31	49	59	68	124	161	169	140	93	97
123											
124	USE	5pm	6pm	7pm	8pm	9pm	10pm	11pm	mdnt	1am	
125	OFFICE RES	1	1	1	0	0	0	0	0	0	
126	OFFICE SH	1	1	0	0	0	0	0	0	0	
127	RESTAURANT	100	118	118	118	118	88	71	59	41	
128	REST. RES.	8	8	8	8	8	8	8	8	8	
129	RETAIL	27	26	23	16	14	8	3	2	1	
130	RETAIL RES.	8	8	8	8	8	8	8	8	8	
131	TOTAL:	146	161	158	151	149	113	90	77	58	
132	293	TOTAL PARKING REQUIRED BY ORDINANCE									
133	169	MINIMUM PARKING DEMAND PREDICTED BY MODEL									
134	15	BIKE PARKING REQUIRED BY ORDINANCE									
135	178	186 = RECOMMENDED RANGE FOR PARKING PROVIDED									
136											
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